

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

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| Policy No: 01-12 | Effective Date: 03/07/03 | Revision Date: 08/31/04 |
| Subject: Polygraph Use with Sex Offenders | | |

I. Policy Statement

The Clinical Polygraph Examination (CPE) may be used when integrated with juvenile sex offender treatment, and with adjudicated sexually offending juveniles, that are ordered to the custody of Juvenile Justice Services.

II. Rationale

- A. The primary objectives of the clinical polygraph examination are to obtain accurate information for placement recommendations, treatment planning, clinical interventions, risk assessment, and community management.
- B. Policy has been developed to guide, safeguard and set standards for the clinical use of this particular evaluation procedure.
- C. Use of the polygraph is expected to improve treatment delivery, treatment efficacy and reduce the potential for sexual recidivism.

III. Definitions

- A. The “polygraph” is an instrument that records certain physiological changes in a person undergoing questioning in an effort to obtain truth or deception. It simultaneously records a minimum of respiratory activity, galvanic skin resistance/conductivity and cardiovascular activity.
- B. “Clinical Multidisciplinary Teams” are local units made up of a licensed clinician, a member of the Utah Network on Juveniles Offending Sexually (NOJOS), and a JJS case manager or supervisor.

IV. Procedures

- A. Clinical polygraph examinations may only be used after recommendation by the designated local Clinical Multidisciplinary Teams. The primary criteria for the team to consider recommending a clinical polygraph examination include, but are not limited to, the following:
 - 1. age of juvenile,
 - 2. delinquency history,
 - 3. sexual offense history,
 - 4. type of sexual offense,
 - 5. presence of mental illness,
 - 6. culpability,

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7. current medications,
 8. cognitive functioning.
- B. The clinical polygraph examination may only be used with the voluntary, written consent of the sexually offending adjudicated juvenile and parent or legal guardian.
- C. If, through the examination, any new sexual abuse victims are revealed, the appropriate law enforcement and child protective agency shall be notified.
- D. Staff shall explain to the sexually offending adjudicated juvenile consequences of a failed polygraph examination prior to the beginning of any examination. These may include, but are not limited to, one or more of the following:
1. requirement to retake the test;
 2. rework prior assessment assignments previously completed;
 3. loss of privileges;
 4. inform parent of results;
 5. report to case manager.
- E. Termination from the program or a return to court shall not be based solely on a failed clinical polygraph examination.
- F. A licensed/certified polygraph examiner who has specialized training and experience in testing sexually offending juveniles shall administer clinical polygraph examinations. Certifications and licensures obtained through sanctioned and approved training associations, such as the American Polygraph Association, National Association of Polygraph Specialists in Sex Offender Testing/ Monitoring, and the Association of Police Polygraph Examiners.
- G. Written reports by the polygraph examiner shall be placed in the juvenile's permanent case file. This information will be released in accordance with GRAMA.

V. Continuous Renewal

This policy shall be reviewed two (2) years from its effective date to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

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This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.

Eldon Money, Chairman
Board of Juvenile Justice Services

Date

Blake D. Chard, Director
Division of Juvenile Justice Services

Effective/Revision Date